

CITY OF WHITEWATER  
PLAN AND ARCHITECTURAL REVIEW COMMISSION  
Whitewater Municipal Building Community Room  
February 14, 2011

**ABSTRACTS/SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL  
ACTIONS OF THE PLAN AND ARCHITECTURAL REVIEW COMMISSION**

Chairperson Torres called the meeting of the Plan and Architectural Review Commission to order at 6:00 p.m.

PRESENT: Torres, Binnie, Dalee, Miller, Zaballos, Coburn, Knedler. ABSENT: None.  
OTHERS: Wallace McDonell/City Attorney, Mark Roffers/City Planner, Bruce Parker/Zoning Administrator, Wegner/Secretary.

Welcome to Brandon Knedler, who volunteered to finish the existing term for the Park and Recreation Board's representative to the Plan Commission.

HEARING OF CITIZEN COMMENTS. This is a time in the agenda where citizens can voice their concerns. They are given three minutes to talk. No formal Plan Commission Action will be taken during this meeting although issues raised may become a part of a future agenda. Items on the agenda may not be discussed at this time.

There were no citizen comments.

**MINUTES.** Moved by Dalee and Miller to approve the Plan Commission minutes of December 13, 2010. Motion approved by unanimous roll call vote.

**PUBLIC HEARING FOR CONSIDERATION OF A CONDITIONAL USE PERMIT TO ALLOW FOR AN AUTOMOTIVE REPAIR BUSINESS TO BE LOCATED AT 265 S. WISCONSIN STREET FOR DARYL AND FABIAN LOPEZ.** Chairperson Torres opened the public hearing for consideration of a conditional use permit to allow for an automotive repair business to be located at 265 S. Wisconsin Street for Daryl and Fabian Lopez.

Zoning Administrator Bruce Parker explained that the applicants had not shown up yet. Parker explained the proposal. The property is located in a B-3 Zoning District. A conditional use permit is required for an auto repair shop. He had talked to the applicant and explained that the parking stalls labeled #6 and #8 would have to be removed to maintain the green space area and allow for snow removal. The dumpster enclosure was going to be moved up next to the building and a new garage door was to be installed on the north side of the building. The fence shown on the site plan will not be installed as it encroaches into the driveway access easement area. A new site plan had not yet been submitted. The applicants had not arrived yet, so the Plan Commission held the public hearing open until after the next item when the applicants arrived.

Plan Commission came back to this item approximately 6:20 p.m.

Zoning Administrator Bruce Parker had talked to them prior to the hearing. They will be planting some arborvitae in the green space along the south edge of the parking lot (paved area) to help screen the view from the south residential area. The trash enclosure will be up against the east edge of the building and the parking will be on the blacktop area in the back and other areas there.

City Planner Mark Roffers recommended approval with conditions. The reasoning behind the approval is that the building is there and it is suited for this type of use. The property's immediate surroundings are compatible business type uses. The Planners also recognize that there is residential housing in the area and the Plan Commission needs to stay cognizant in taking care of the neighbors too. Some of this is done with suggestions for site plan improvement, such as landscaping, dumpster enclosures, parking etc., but a lot has to do with how businesses are operated when they are open. The Planners had suggested operational types of conditions for approval that have to do with types of auto work, so the neighborhood is not negatively affected by this business.

The Board asked about the type of enclosure for the dumpster that would match the building.

Zoning Administrator Bruce Parker explained that it would be a fence type of material that could be painted to match the building.

City Planner Mark Roffers explained that the future for this block would be for continued business use, a location for redevelopment. The City would be open to broader redevelopment, possibly a mixed use development.

Marilyn Kienbaum, neighbor, stated that this business would not be a huge change. She felt this would be O.K.

Terry Stritzel, a concerned citizen, stated that the business may need more than Monday through Friday in order to make a living. They may need Saturday to make it work. Only Monday through Friday is quite a restriction for a small business that is trying to make it work for them.

Board Members felt that this business should have the same opportunities as the NAPA store next door in being allowed to be open on Saturdays, with the condition that the business could be looked at in 6 months or a year if there are complaints. There are a lot of businesses open on Saturdays, so it would put them at a competitive disadvantage if they were not allowed to be open on Saturdays. There was also concern of the garage doors having to be closed while working on the vehicles inside the building. Knedler felt it would be good not to have the requirement that the doors must be closed.

Bob Freiermuth, a local investor and neighbor, stated that other than an impact wrench or a radio, there will not be much noise. The radio can be turned down and a regular wrench could be used for extended weekend hours. If the business can't be open and operate, it will have a hard time making money. It is a good location.

Plan Commission Binnie wanted to hear from the applicants to know if they had the opportunity to review the City Planner's report and the suggested conditions, and if they were O.K. with them.

Fabian Lopez and his father reviewed the conditions and were perfectly fine with the conditions. If it was alright with the Plan Commission, they would like to be open from 8 a.m. until noon on Saturdays. But they would be perfectly fine with Monday through Friday also. They were planning to keep the garage doors closed and put a hole in the garage door to vent the smoke out of the building.

Terry Stritzel stated that all the overhead doors face commercial buildings, not toward the condos or residential areas. The applicants may not realize how hot it might get in the building come the middle of July.

Plan Commission Member Miller noted that he didn't see a problem with the doors being open particularly when it is hot out. As far as hours, he thought they should be able to have the same hours as NAPA. If they wanted to close the business at noon on Saturday, that would be up to them. If they wanted to stay open to 4 or 5 p.m. they would have that option. Miller stated that they needed all the advantages they could get, and did not want the applicants to have to come back in 6 months to ask for an extension.

The City Planners recommended that the Plan Commission approve the request for the conditional use permit and related site plan approval for an auto repair business at 265 S. Wisconsin Street subject to the following conditions as amended at the meeting:

1. The project shall be developed in accordance with the site and operational plans submitted on 1/31/11, except as changes to such plans are required to meet the conditions that follow.
2. Prior to the commencement of the auto repair operation, the applicant shall revise and resubmit the site plan for City staff approval, including the following changes and additions:
  - a. Reduce the width of the 6 parking stalls along the rear property line to 9 feet to allow adequate space in the southeast corner of the site for a dumpster and enclosure.
  - b. Provide details on the fence or wall that will be used to enclose the dumpster at the southeast corner of the site, with such enclosure being completely opaque and tall and wide enough to completely screen the dumpster from view.
  - c. Provide a catalog page or other detailed information on the proposed light fixture(s) for City staff approval. All proposed lighting shall be directed downward at a 90 degree angle with the ground to avoid spill-over onto nearby properties.
  - d. Indicate through a label that all parking stalls will be painted/striped and that wheel stops will be installed at the eastern ends of the parking stalls along the rear lot line.
  - e. Indicate the location of three additional mid-level shrubs (4-6 feet at maturity) in the southwest grassy area of the lot. The plantings shall meet the City's landscaping guidelines in terms of species, size at time of planting, and installation method.
  - f. Indicate that rooftop water drainage will be directed to the grassy area south of the building, to the extent practical.
  - g. Include a title and date of the latest revision on all plan documents.
  - h. Maintain area of parking space 6 and part of 8 on the site plan in green space and move the enclosed dumpster to a hard-surfaced area beside the rear of the building, adding screen-type landscaping to the area between the parking lot and the south property line.
3. The following ongoing standards regarding operation of the auto repair business shall apply:
  - a. There shall be no vehicle painting or body work performed on site.
  - b. No equipment, tools, or car parts shall be stored outdoors.
  - c. All garbage and scrap materials shall remain in the building or be placed in an outside dumpster, completely enclosed by an opaque fence or wall, in the rear yard of the property.
  - d. At no time shall any unlicensed or junk vehicles be kept outdoors on the site.
  - e. Vehicle maintenance and repair work shall be performed only between 7 a.m. and 6 p.m., Monday through Saturday. If the Neighborhood Services Director identifies a concern within one year of conditional use permit issuance that these hours are creating a nuisance or reducing the values and enjoyment of neighboring property, he may refer the matter to the City Plan and Architectural Review Commission, which may reduce the hours.
  - f. All vehicle maintenance and repair activities shall be conducted inside the building. If the Neighborhood Services Director identifies a concern within one year of conditional use permit issuance that allowing garage doors to be open during operations is creating a nuisance or reducing the values and enjoyment of neighboring property, he may refer the matter to the City Plan and Architectural Review Commission, which may require that garage doors be closed during operations.

- g. No vehicle shall be kept outdoors on the site for more than 14 consecutive days, nor deliberately removed and returned to the site in an attempt to circumvent this requirement.
  - h. No vehicle awaiting service or pick-up shall be kept in any other location than inside the building or in a striped parking space to the rear of the building.
  - i. The on-site sale or rental of motor vehicles is prohibited.
4. Signage shall be installed only after the applicant has submitted complete signage plans and received a sign permit. Plans shall be consistent with City signage requirements and shall clearly indicate the sign dimensions, materials, and colors.

Chairperson Torres closed the public hearing.

Moved by Binnie and Zaballos to approve the conditional use permit and site plan for 265 S. Wisconsin Street based on the conditions of the City Planner with the exception that 3e be amended to read vehicle maintenance and repair work should be performed only between 7 a.m. and 6 p.m. Monday through Saturday, and on 3f, should read "All vehicle maintenance and repair activities shall be conducted inside the building." Those two items could be revisited should we receive any concerns from the neighbors within the next year. The site plan requirements would be changed adding 2h "Maintain area of parking space 6 and part of 8 on the site plan in green space and move the enclosed dumpster to a hard-surfaced area beside the rear of the building, adding screen-type landscaping to the area between the parking lot and the south property line". Motion approved by unanimous roll call vote.

**DISCUSSION OF POTENTIAL MEASURES TO INCREASE EFFICIENCY IN DEVELOPMENT PLAN REVIEWS AND CONTROL DEVELOPER COSTS.** City Planner Mark Roffers explained that over the past month to 6 weeks they have been working with the City Manager Kevin Brunner and Zoning Administrator Bruce Parker on ways to reduce planning and development review costs to make the cost more predictable and better known at the start of the process. Normally, the time that the planning support or engineering service support spend on a project is billed to the City, and the City in turn charges that cost back to the applicant. The proposed process is to make the charge back cost more predictable and a little less costly when possible; and make the approval process flow more smoothly and efficiently. The proposals offered try to address those various issues. The City is very open to comments on these proposals.

The first one is travel time costs. The travel costs have been cut in half from previous levels. The proposal from City staff is to not charge travel time costs to applicants at all.

The second proposal is a different report format (as seen in the previous item on the agenda). The format is to get to issues quicker by using a standard form and hit the highlights in a more efficient and understandable way. This should also help to reduce the time it takes to write the reports for the Plan Commission.

Thirdly, the Planners and Zoning Administrator Bruce Parker have already been reviewing which projects need the Planners' review, and this will be given more of a focus. The Planners just might offer some verbal comments to Zoning Administrator Bruce Parker and he would incorporate those into his comments and recommendations to the Plan Commission; and to continue to practice if there was a pretty straight forward proposal, just offering two or three suggested conditions in an email that would then be forwarded on to the Plan Commission and the applicant.

The other fair criticism that has been offered is that by the time the applicant receives the report

from the City through Vandewalle, it might be Friday p.m. and half of their support staff may be gone for the weekend and so they may be left scrambling on Monday to address some of the comments in advance of the meeting. So Vandewalle is going to make a concerted effort, when they get the proper materials they need to review a proposal, to get that done by noon on the Wednesday before the meeting. They will get their report to Jane to get to the applicants. The applicant should have it Wednesday p.m. or Thursday a.m. and have a couple of days to address the comments and make things run a little smoother.

Sometimes City Planner Mark Roffers will not be needed at the meeting at all, if the items are relatively simple, and straight forward.

Item #6 on the list of proposals is a little more comprehensive. It gives applicants for development review an upfront and better understanding of the types of cost they may be confronted with. That way it is not a surprise after they get through the process and get a bill in the mail. The attachments in the packet address this information (Cost Recovery Certificate and Agreement; Section B: Applicant/Property Owner Cost Obligations; and Typical City Planning Consultant Development Review Costs). There is also a guide for applicants, "Tips for Minimizing Your Development Review Costs". This document would be specifically helpful for first time or one time applicants.

The final offering for review time and costs, is what amounts to 2 to 3 hours of free review time before an applicant submits an application for a zoning or a conditional use permit. It might be submitting a sketch plan through Bruce to the City Planners' office, with Mark taking a red pen and marking the plan up with comments. It may involve a single meeting where Mark may be involved to share his comments in advance so that issues can be dealt with and addressed early.

The City and Vandewalle and Associates wanted to share this information with the Plan Commission and get their feedback before moving forward on utilizing these ideas fully.

Plan Commission Member Coburn stated that she appreciated the details of the City Planner reports but would really like to get them earlier as is the plan to accomplish.

City Planner Roffers stated that they would like to be able to use the new format as much as possible. They should be able to still provide a reasonable level of detail, but in a more organized way by hitting the highlights quicker. If there does happen to be a huge project that takes more review, we have the option to elaborate on particular issues as they come out.

Plan Commission Member Zaballos stated that she liked the chart and the format. It should be a little bit clearer and easier to follow. If Mark will not be coming to every meeting, would that be able to be communicated well in advance?

City Planner Mark Roffers explained that process. Bruce comes to Madison to go over the Plan Commission agenda and it gets determined at that time whether or not Roffers comes to the meeting. Any questions that may need an answer from Vandewalle and Associates, could be emailed or given to Bruce, and he or Jane would get the message to Vandewalle for input.

Plan Commission Member Binnie stated that he appreciated the thought that went into the process and it is an excellent start to try to contain costs especially those passed onto the developers; and the guide would be very helpful for the developers in trying to streamline the process for them.

Chairperson Torres stated that he agreed with what has been said and that this is a step in the

right direction.

Zaballos asked if City Planner Roffers had included any developers in the conversation.

City Planner Roffers did not talk directly to developers, but they have gotten feedback from discussions with City Manager Brunner and Zoning Administrator Parker.

Zoning Administrator Parker explained that Councilmember Patrick Singer had a meeting with developers in which both he and the City Manager received input indirectly. That information had also been passed onto Mark Roffers.

#### **INFORMATION:**

- a. **Future agenda items:** There were no submittals yet for the next Plan Commission meeting.

Karen Coburn asked if there was anything in the ordinance or regulations that would protect historic buildings in the downtown if the owner or tenant were to repair or remodel the façade without applying for a downtown facade loan. City Planner Mark Roffers stated that we do have the Design Guidelines that we can use as a reference. Zoning Administrator Bruce Parker stated that there are times when what is planned for the building would not need to go to the Plan Commission for approval. When asked if there is there anything in place to encourage preservation or prevent a builder from damaging the façade, the answer was no.

- b. **Future discussion of neighborhood preservation implementation, including consideration of higher density multiple family residential district.** City Planner Mark Roffers explained this is listed as a future discussion. His intent was not to have a discussion on the neighborhood preservation implementation, but to give a progress report on that issue.

The Comprehensive Plan that was adopted in early 2010 had a number of implementation steps to carry out the city's neighborhood preservation strategy. A lot of them are zoning ordinance approaches, so one thing the City should be thinking about is which of those does the City want to implement and how and when. That is one issue for potential future discussion, but everything has cost implications. If the city were to dive into all the ordinance amendments at once, it would be quite costly. The Planners are discussing with the City those types of issues as to when it might be appropriate to bring it forward in any given budget or other concerns. Added to that, at the December meeting when the Plan Commission was reviewing a multiple family housing proposal, an attorney suggested that rather than dealing with requests for greater than R-3 density on a case by case basis, that the city might consider an approach that would identify an area where higher density housing may be permitted and perhaps even create its own district, rather than make up rules on a project by project basis. At that time, Commissioner Binnie had suggested that the Plan Commission have a future discussion of this at a subsequent meeting. So this was mainly a report to check back in with the Plan Commission, to let them know that neighborhood preservation and the possibility of a higher density multiple family residential district are still on the City's radar screen. As part of this broader neighborhood preservation approach, the Planners thought they would bring it forward to you for discussion in concert with the other zoning based strategies to consider for neighborhood preservation for the Plan Commission to have a broader discussion and workshop.

Jeff Knight wanted to inform the Plan Commission members that the CDA is working on a housing task force. One of things that the task force has done is to target approximately seven properties that are blighted and distressed which they are taking action to get them removed. One of the next steps the housing task force is looking at is a number of market studies that shows the value of the cost of services for the school, the city and the county for new homes that are built in order to keep them in balance. Knight also expressed concern about the current vacancy rate in rental properties, which he believes to be approximately 9 to 10%.

The next regular Plan Commission meeting will be March 14, 2011.

Moved by Miller and Coburn to adjourn at approximately 7:00 p.m. Motion was approved by unanimous voice vote.

Respectfully submitted,

Jane Wegner  
Secretary